

# **TIER 1 REPORTING**

## **PARTIAL EXEMPTION**

**Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90-days**

**or**

**In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment**

***The following four pages must be completed online and sent electronically to TCLEOSE***

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**[www.tcleose.state.tx.us](http://www.tcleose.state.tx.us)**

## **Racial Profiling Reporting To TCLEOSE**

House Bill 3389 changed several portions of the Code of Criminal Procedures Article 2.131 – 2.138. The major change that is now in the law is that all agencies must report racial profiling data to TCLEOSE as well as their governing body.

The law changes require reporting beginning in 2011 reporting data collected during calendar year 2010.

The attached documents outline three options. Every law enforcement agency must select the option that applies to their particular situation.

These options are:

1. Law enforcement agencies that do not routinely make motor vehicle stops can be fully exempt from reporting.
2. Law enforcement agencies that routinely perform traffic stops or motor vehicle stops and who have their vehicles that routinely perform these stops equipped with video and audio equipment can report under CCP 2.135. (This is called Tier 1 Reporting)
3. Law enforcement agencies that routinely perform traffic stops or motor vehicle stops and who do not equip their vehicles with video or audio equipment must report under CCP 2.133 and perform a analysis as required by CCP 2.134.

**RACIAL PROFILING REPORTING  
AS REQUIRED BY HB 3389  
OF THE 81<sup>ST</sup> LEGISLATURE  
STATE OF TEXAS**

As a Chief Administrator of a Law Enforcement Agency you must submit one (1) of the following three (3) documents.

Please read the Code of Criminal Procedures, Articles 2.131 – 2.138 and make a decision about which of the following three categories applies to your department.

Which ONE applies to you?

- Full Exemption from Racial Profiling Reporting – agency does not routinely make traffic stops.
- Tier 1 Partial Exemption from Racial Profiling Report because of video and audio equipment records motor vehicle stops.
- Tier 2 Fully Reporting with no recording video or audio equipment in vehicles performing motor vehicle stops.

By law, one of the above three must be submitted to TCLEOSE each year by March 1<sup>st</sup>. This will begin with the 2010 year's data submitted by March 1<sup>st</sup>, 2011.



**Partial Exemption Racial Profiling Reporting  
(Tier 1)**

Department Name Waller County District Attorney  
Agency Number 473130  
Chief Administrator Name Elton Mathis  
Reporting Name Walt Bauer  
Contact Number 979.826.7718  
E-mail Address W.Bauer@WallerCounty.us

**Certification to Report 2.132 (Tier 1) – Partial Exemption**

**Policy Requirements (2.132(b) CCP):**

**Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:**

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
  - (A) the race or ethnicity of the individual detained;
  - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
  - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
  - (A) the Commission on Law Enforcement Officer Standards and Education; and
  - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These policies are in  
effect

Chief Administrator

3-8-2016

Date



**Partial Exemption Racial Profiling Reporting  
(Tier 1)**

**Video and Audio Equipment Exemption**

**Partial Exemption Claimed by (2.135(a) CCP):**



all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

**OR**



In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption

Chief Administrator

3-8-2016

Date



## Partial Exemption Racial Profiling Reporting (Tier 1)

(This is the TCLEOSE recommended form. The form is not mandatory. The information contained in this form, however, is mandatory. You may use your form, but all information must be provided.)

**If you claim a partial exemption you must submit a report that contains the following data or use this format to report the data.**

**Instructions: Please fill out all boxes. If zero, use 0.**

**1. Total on lines 4, 11, 14, and 17 Must be equal**

**2. Total on line 20 Must equal line 15**

### Number of motor vehicle stops:

Mark only 1 category per vehicle stop

1.	<u>87</u>	citation only
2.	<u>0</u>	arrest only
3.	<u>1</u>	both

4. 88 Total

### Race or Ethnicity:

5.	<u>31</u>	African
6.	<u>3</u>	Asian
7.	<u>51</u>	Caucasian
8.	<u>3</u>	Hispanic
9.	<u>0</u>	Middle Eastern
10.	<u>0</u>	Native American

11. 88 Total

### Race or Ethnicity known prior to stop?

12.	<u>1</u>	Yes
13.	<u>87</u>	No

14. 88 Total

### Search conducted?

15.	<u>11</u>	Yes
16.	<u>77</u>	No

17. 88 Total

### Was search consented?

18.	<u>8</u>	Yes
19.	<u>3</u>	No

20. 11 Total Must equal #15



**Partial Exemption Racial Profiling Reporting  
(Tier 1)**

**Option to submit required data by utilizing agency report**

**You must submit your report in PDF format**

**Electronic Submission of data required by 2.132(b)(6) CCP**

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

This report meets the above  
requirements

Chief Administrator

3-8-2016

Date

***Send entire documents electronically to this website***

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